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AUTHOR	Wegner, Gregory R.
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ABSTRACT

This report discusses how the Arizona Board of Regents, which has governing authority over the state's three public universities, dealt with the inability of the universities to respond to new societal needs in a timely manner; a major impediment was felt to be tenure. After a series of meetings of administrators and faculty leaders, the Board agreed to take the question of tenure off the table, provided that post-tenure review policies be developed that would give the institutions the power to take prompt corrective measures when faculty performance was less than satisfactory. The Board of Regents wanted a process that included an external reviewer and that had common principles for the whole system. After consensus was reached on the new policy, leaders at Arizona State University were faced with the challenge of selling the post-tenure review process to the faculty. Trust between administration and faculty was a key element in forging the policy that was approved by the faculty. The plan that was developed preserved the concept of academic freedom, recognized the importance of tenure to the institutions and faculty, built on the existing system of annual performance review, and was not punitive, but a process that enabled faculty to overcome identified deficiencies. (RH)

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POLICY PERSPECTIVES
November 1999

Exemplars

Arizona State University

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The Problem: ***A state board of regents threatened to eliminate tenure in order to make its universities more accountable and more flexible in responding to new societal demands.***

The Solution: ***Create a system of post-tenure review that addresses the concerns of faculty as well as regents.***

Through the mid-1990s the Arizona Board of Regents, which has governing authority over the state's three public universities (Arizona State University, Northern Arizona University, and the University of Arizona), had become increasingly concerned about issues of faculty workload and productivity. This concern had resulted in some minor policy changes regarding the terms of faculty employment, but there had remained among the regents a feeling of exasperation about the special status that faculty enjoyed in their institutions.

At a Board of Regents meeting in September 1995, the universities' leadership came to see how intense this feeling was. The presidents of the three state universities had proposed to form a study group to examine a set of issues surrounding tenure. The tone of the meeting abruptly changed, as the Board of Regents president exclaimed, "I don't want to discuss issues surrounding tenure—I want to discuss tenure itself!" Within moments it became clear that several members of the board harbored strong feelings against tenure and the insulation from accountability it seemed to afford faculty. There was tension in the body language as one university president turned to address the regents. "Are you seriously suggesting that tenure be abolished in Arizona's public universities?" he asked.

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"The vehemence of that regents' meeting—the absolute insistence that we put the question of tenure on the table—came as a shock to all of us," says Vianne McLean, who was then president-elect of the faculty senate at the Arizona State University (ASU) West Campus. "We realized that there was an activist group of regents who could very well take tenure away."

"The regents' frustration centered on the seeming inability of the state's universities to respond to new societal needs in a timely manner," says Walter Harris, vice provost of the ASU Main Campus. "Tenure appeared to be a major impediment to necessary change: it prevented an institution from redefining faculty job descriptions as the demands on universities changed, and it prevented the universities from taking real measures against faculty whose performance fell below acceptable standards. Eliminating tenure seemed to these regents the only way to give universities the flexibility needed to serve the public effectively."

"I'm not sure that a majority of the board felt as strongly as our leader of that time that the state's three public universities should eliminate tenure," says Judy Gignac, a Board of Regents member who was also present at the 1995 meeting. "But even those who did not live on that extreme thought that something might be broken that needed fixing."

In subsequent meetings, administrators and faculty leaders sought to impress on the regents the importance of tenure to the universities, and ultimately to the well-being of the state. Richard Chait, a noted expert in matters concerning higher education governing boards, was engaged to facilitate one set of dialogues between the regents and university leaders. Daniel M. Landers, who was president of the faculty senate at the ASU Main Campus in 1995-96, recalls the intensity of these sessions. "The good theoretical arguments about the importance of academic freedom didn't cut water with the regents," he says. "The argument that was compelling to them centered on markets: if they were to eliminate tenure from the state's public universities, it would drive away all the best faculty and hinder our ability to attract the most promising faculty in any field."

The board was closely divided between those who thought that tenure was essential and those who thought it could be eliminated. Advocates of the latter position argued that faculty had legal

protections that afforded the same kinds of rights as tenure. In time, however, the regents came to see that a reliance on those legal protections alone would result in matters of dispute being routinely aired and settled in court, rather than within the jurisdiction of an institution itself.

The compromise reached was that the board agreed to take the question of tenure off the table, on the condition that the state's three universities develop post-tenure review policies that accorded the institutions real power to take corrective measures when faculty performance was less than satisfactory. The regents charged the institutions and their faculties with developing acceptable plans.

Defining Common Ground

One of the first challenges facing Arizona's three universities was to develop a unified approach for fulfilling the regents' mandate. The climate of opinion varied widely on how best to respond to this charge. Some thought the universities should simply ignore what they considered the regents' intrusion into academic matters. Others, however, recognized this mandate as an opportunity to shape institutional policies that could address the concerns of faculty as well as regents. In meetings of the Arizona Faculties Council, which includes faculty leadership from all three state universities, it became clear that each institution would seek to develop a plan reflecting its own mission and campus culture. But while the Board of Regents was prepared to accept some such variations, it would not allow the three universities to develop post-tenure review policies that were fundamentally different from one another.

Getting the regents to accept the basic principles of post-tenure review was an important step in the process. One of the regents' concerns was the length of time until dismissal for a faculty member whose performance was found to be unsatisfactory. "It was clear that the regents wanted this plan to have teeth," says Vianne McLean, who is currently associate vice provost for academic programs and graduate studies at the ASU West Campus. "The regents wanted there to be clear consequences for poor performance. They did not want a performance improvement process to drag on for many years before decisive action was taken."

Another concern of the regents was that a review process should include an external reviewer. Thomas Callarman, who was

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president of the faculty senate on the ASU Main Campus in 1996-97, recalls, "The regents basically did not think that the faculty alone could be trusted to enforce a plan to correct deficiencies in their own ranks." While the compromise reached on this issue does not give as much power to external reviewers as some regents had initially sought, it makes it possible for an external review to trigger an additional internal review of a faculty member's performance.

Achieving consensus on the common principles of a post-tenure review policy entailed many sessions in which members of the Arizona Faculties Council and the regents exchanged views and came to closer accord. These meetings proved to be critically important to the process of defining and expanding the foundation of values that regents and faculty shared within the larger field of contention.

After gaining the regents' approval of the common principles, each university began work on its own specific policy. This is the story of how post-tenure review took final shape in one of those institutions—Arizona State University.

In addition to the challenge of finding common ground with the regents, faculty leaders within ASU faced the challenge of selling a post-tenure review process to members of the faculty itself. Communication, trust, and a willingness to take a stand were key factors in the success of this effort.

The strategy for gaining the approval of the faculty was to communicate as broadly as possible the steps being taken to develop a post-tenure review process. As Tom Callarman recalls, "There were many open forums with faculty on post-tenure review, and the monthly newsletter to faculty contained regular updates on the subject. Everything that the University developed to present to the regents on this subject was brought first to the academic senate for approval."

"The senate leaders did a remarkable job in helping faculty see the need to address this issue," says Milton Glick, who is provost of the ASU Main Campus. "The senate leaders took personal risks, making visits to departments that resisted the idea of post-tenure review, helping them to understand why it was important that faculty themselves take the lead in defining qualities of accountability."

Glick attributes the success of the post-tenure review development in part to the high degree of trust that exists between faculty and administration on his campus. Equally important to the success of this

process was the willingness of the presidents to stand up and defend tenure. Glick believes that if the presidents had been too timid in the face of the regents' confrontation, the faculty would have lost confidence. "All of us had to draw some lines in the sand," he says. "In the course of doing so, we found where it was possible to compromise. The plan that resulted is one that I feel comfortable defending either to the regents or to the faculty."

Tom Callarman concurs that the trust between administration and faculty at ASU was a key element in forging a policy that gained the approval of faculty. "This issue," he says, "had the effect of strengthening further the relationship between the faculty and administration. The fact that the leadership of both were able to work effectively together was an important component of the final result."

As more faculty came to accept that post-tenure review would be a fact of life, a greater number turned their thoughts to elements of the process itself: that it should preserve the concept of academic freedom; that it should build on the existing system of annual performance review; and that it should not be conceived primarily as a punitive system but rather a process that offers channels through which faculty could work to overcome any deficiencies identified (see "Components of the ASU Post-Tenure Review Process," below).

Milestones

As faculty leaders who had worked for many months to bring a resolution to the regents' standoff of 1995, Tom Callarman, Dan Landers, and Vianne McLean recall the mutual feelings of accomplishment when the regents approved the post-tenure review policy two years later. After their vote of approval, regents congratulated the faculty leaders for developing a plan that had the support of faculty and yet brought the increased level of accountability the regents had sought.

"I think one reason the regents were pleased is that they had learned a great deal in the process themselves," says Landers. "They gained a better understanding of the importance of tenure to any higher education institution that seeks to attract the best faculty. At the same time, they felt that there were channels now available to begin a serious discussion with faculty whose performance was found to be less than satisfactory."

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Another critical milestone of ASU's post-tenure review process occurred in November 1998, when the regents reviewed the results from its first year of implementation. Among faculty and administrators there was a sense of anticipation, centered around the question: What would the regents consider to be a successful outcome of a post-tenure review program? Would the regents, after all, make the number of faculty terminations the test of the program's effectiveness? Judy Gignac, who now serves as president of the Arizona Board of Regents, also had some apprehensions going into the November 1998 meeting: of the nine current members of the board, only four had been regents at the start of the process of developing post-tenure review. Would the newer board members respond to the results in a different spirit from that in which the review process had originally developed?

Reflecting on the regents' review of the first year of data, Gignac observes, "We learned that the process does work. The number of faculty members who require a Performance Improvement Plan is small." And, as several members of the ASU community point out, the post-tenure review policy had an effect even on those who did not formally go through the process it outlined. There is a small but significant number of faculty in several schools who elected to retire or resign rather than submit to post-tenure review.

Dan Landers recalls that, when he made a presentation of the ASU post-tenure review process to a meeting of the American Association of University Professors, one person rose to declare that ASU should be censured by the organization for submitting to the pressure of its governing board. "But why should ASU be censured?" Landers asks. "This is a plan that faculty themselves had a central role in designing. When the ASU plan came for a vote before the faculty senate, it passed by an overwhelming margin."

"One of the most remarkable things about the post-tenure review process," says Judy Gignac, "is the fact that each of the state's universities was able to develop a policy reflective of its particular mission and culture. Each would have a different story to tell of how it reached the final result. In the end, it is an achievement of not one but three universities."

What lessons does the experience offer to other institutions that face the need to develop post-tenure review? Judy Gignac believes the lessons can be generalized to any complex issue that

involves a set of stakeholders who bring disparate views to the table. "Allow yourselves the time—and the pain—to get every point of view out plainly on the table. Then work through them so that you have the opportunity to listen to each side. Taking this step will allow you to determine the core values that all parties share. And from this base you can begin to devise policy."

A key element in shaping post-tenure review in Arizona, according to Gignac, is that "we all listened after we stopped shouting at each other."

Institutional Statistics

State-owned research university in Phoenix, Arizona
Main Campus: **44,250** students; **1,744** full-time faculty; **228** part-time faculty
West Campus: **4,800** students; **186** full-time faculty; **93** part-time faculty

Components of the ASU Post-Tenure Review Process

- Post-tenure review affirms the value and importance of academic freedom while recognizing the need for the University to take action when a faculty member's performance falls below the professional requirements of the position.
- The review seeks to function not as a penal system but as a means of identifying performance in need of improvement, and of providing a structured process that includes benchmarks and support for improvement.
- The process seeks to ensure that the criteria of teaching, research, and service are weighted appropriately to reflect a faculty member's particular contribution to the mission and intellectual vitality of the University. Each unit is responsible for developing appropriate criteria for faculty evaluation.
- Rather than creating an entirely new set of procedures and record-keeping, the post-tenure review process builds on existing programs of annual performance review and professional program review in order to minimize the additional effort and resources required. Each year the dean of a school audits 20 percent of the annual faculty reviews; these audits, in addition to underscoring the importance of the annual review, address the regents' request for additional administrative oversight of faculty performance.

- The post-tenure review process contains a component of external review as well as internal review by a dean, chair, and/or peer review panel.
- The process identifies two levels of extended review for faculty whose periodic reviews indicate the need for a program of improvement: a Faculty Development Plan, and a Performance Improvement Plan. The Faculty Development Plan addresses performance problems of a less serious nature and typically extends for one year.
- If a faculty member's performance is found to contain chronic and substantial deficiencies, identified either through an overall unsatisfactory outcome from an annual review or by failure to meet the requirements of a Faculty Development Plan, that faculty member enters into a Performance Improvement Plan with the University. This plan outlines the specific objectives for performance improvement and establishes a timeline—up to three years—for their attainment. Failure to make progress on the goals of a Performance Improvement Plan can result in the termination of a faculty member's appointment.

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Robert Zemsky
Senior Editor

Ann J. Duffield
Program Director, Knight Collaborative
Senior Consultant, Marts & Lundy, Inc.

Gregory R. Wegner
Managing Editor

James F. Galbally, Jr.
Contributing Editor

Joan S. Girgus
Contributing Editor

William F. Massy
Contributing Editor

The institutional profile for this **Exemplars** was researched and written by Gregory R. Wegner.

Inquiries should be directed to:
Exemplars
Institute for Research on Higher Education
4200 Pine Street, 5A
Philadelphia, PA 19104-4090
Phone: The Education Line, 800-437-9799
E-mail: **pp-requests@irhe.upenn.edu**
Web site: **www.irhe.upenn.edu/knight/knight-main.html**

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